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CHARLES J. OGLETREE, JR.
DIANE L. HOUK

April 23, 2015

Via ECF

The Honorable James C. Francis
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Nunez, et al. v. City of New York, et al., No. 11-cv-5845 (LTS) (JCF)

Dear Judge Francis:

In connection with our request to move Oscar Sanders for an expert examination (Dkt. 196), we just received the attached letter from DOCCS legal counsel, who requested that we file it with the Court. As stated in that letter, we confirm that this firm will be responsible for payment to DOCCS of all the costs associated with this transfer. We have also been informed by DOCCS counsel that we need not serve the Office of the Attorney General in connection with this matter.

Thank you for the Court's assistance with this matter.

Respectfully Submitted,

/s
Zoe Salzman

Encl.

- c. All counsel of record (*via ECF*)
Herman Reinhold, DOCCS Legal Counsel (*by email*)



Corrections and Community Supervision

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

The Honorable James C. Francis
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

April 23, 2015

Dear Judge Francis

The New York State Department of Corrections and Community Supervision (NYS DOCCS) has been provided with the attached letter and draft order (Writ of Habeas Corpus) about the possible transportation of inmate Oscar Sanders (DIN 12-A-4848) from Gowanda Correctional Facility to New York City for a medical examination. This is for the case Nunez et al v. City of New York et al (USDC, SDNY, 11-CV-5845).

I have discussed this matter with Mr. R. Orion Danjuma, Emery Celli Brinkerhoff & Abady LLP, and explained that a court order was required. I have been in contact with staff at Gowanda Correctional Facility and at the NYS DOCCS Classification and Movement Office. My understanding is that we can provide inmate Oscar Sanders to the medical examination on April 29, 2015 in New York City.

I have concerns about the attached letter and the draft Writ of Habeas Corpus. It should be clear to all that NYS DOCCS will bill for the cost of the transportation and the cost of the security staff involved in this matter. Based on a conversation with Mr. Danjuma and Ms. Zoe Salzman of Emery Celli Brinkerhoff & Abady LLP, it is my understanding that the bill for this transportation will be sent to their firm and that the firm will be responsible for payment. With that understanding, this Department has no objection to the Writ.

Please contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Herman Reinhold", with a long horizontal flourish extending to the right.

Herman Reinhold

Special Counsel for Labor Relations

(518) 485-1391

Attachments: As Stated

cc: Mr. R Orion Danjuma

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CHARLES J. OGLETREE, JR.
DIANE L. HOUK

April 22, 2015

Via ECF

The Honorable James C. Francis
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Nunez, et al. v. City of New York, et al., No. 11-cv-5845 (LTS) (JCF)

Dear Judge Francis:

This firm serves as co-counsel for plaintiff and class representative Oscar Sanders in the above action. Mr. Sanders is currently incarcerated at Gowanda Correctional Facility in the custody of the New York State Department of Corrections and Community Supervision ("DOCCS"). We need to bring Mr. Sanders to New York City for testing and evaluation by a possible expert witness in this matter.¹ We have conferred with counsel for DOCCS, who informed us that a Court order was required.

Enclosed please find a proposed order directing DOCCS to move Oscar Sanders to a correctional facility close to New York City and to produce Mr. Sanders to the offices of Dr. David Kamelhar at 38 E. 32nd Street #601, New York, NY 10016 for medical tests relating to this case on April 29, 2015, next week, which is when Dr. Kamelhar is available. Mr. Sanders agrees to bear the costs for this trip. Counsel for DOCCS has reviewed the proposed order. Defendant City of New York does not object to this request.

¹ Because Mr. Sanders is a class representative and class discovery has been stayed, there is currently no schedule for expert discovery for Mr. Sanders and the other class representatives (unlike the individual plaintiffs).

Given the short time frame for this appointed date, we respectfully request the Court's attention to this matter as soon as possible.

Respectfully Submitted,

/s

Zoe Salzman

Encl.

- c. All counsel of record (*via ECF*)
Thomas Sticht, Superintendent, Gowanda Correctional Facility (*by fax*)
Herman Reinhold, DOCCS Legal Counsel (*by email*)
Office of the Attorney General of the State of New York (*by fax and hand*)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

MARK NUNEZ, et al.,

Plaintiffs,

-against-

CITY OF NEW YORK, et al.,

Defendants

WRIT OF HABEAS CORPUS

11-CV-5845 (LTS) (JCF)

-----X

TO:

- THOMAS STICHT, SUPERINTENDENT, GOWANDA CORRECTIONAL FACILITY
- ANTHONY ANTONUCCI, ACTING COMMISSIONER, NEW YORK STATE
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
- OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF NEW YORK

GREETINGS:

The Superintendent of Gowanda Correctional Facility and the Acting Commissioner of The New York State Department of Corrections and Community Supervision are hereby commanded to produce the body of OSCAR SANDERS (DIN: 12-A-4848; DOB: 6/28/1974) now incarcerated in Gowanda Correctional Facility, move him to a correctional facility close to New York City, and then deliver Mr. Sanders to the offices of Dr. David Kamelhar at 38 E. 32nd Street #601, New York, NY 10016 on the 29th day of April, 2015 at 8:00 AM, so that he may receive medical tests relating to this case.

The cost of this trip will be charged to Plaintiff.

SO ORDERED.

HON. JAMES C. FRANCIS
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
April __, 2015